

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Adelaide E. Salter

Respondent

Civil Citation No. 75865

6618 Dalton Drive

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 16, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(3), failure to replace gutter on side of house on residential property zoned DR 5.5 known as 6618 Dalton Drive, 21207.

On May 18, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Walter Salter, son of the deceased owner and, Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 16, 2010 for storage of garbage in cans with tight lids, repair exterior extensions, repair or replace missing gutter on house, cut and remove tall grass and weeds. This Citation was issued on May 18, 2010.

B. Inspector Jeff Radcliffe testified that the gutter on the side of the house, which is half of a duplex, is partially detached and hanging off the side of the house. Photographs in the file show the horizontal gutter at the roofline of the second story, hanging at an angle from the side of the house. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302.

C. Walter Salter testified that he and his two brothers live in the house, and they are the sons of Respondent Adelaide Salter, who is deceased. He testified that he is on a fixed income and has not had resources to fix the gutter. He accepted referrals to County agencies and asked for an extension of time to make the repair.

D. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by August 23, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.